AN ACT

SENATE BILL NO. 269

1

## BY SENATOR MCPHERSON

2	To amend and reenact R.S. 17:2047(B) and 2048(C), R.S. 36:259(E)(22) and (23) and 801.5,
3	and R.S. 37:1005(B) and 1007(A), the introductory paragraph of 1007(B),
4	1007(B)(2), and the introductory paragraph of 1007(C), to enact Part IV-B of
5	Chapter 9 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of
6	R.S. 17:2048.51, and R.S. 36:651(AA), and to repeal R.S. 23:1871, R.S.
7	36:259(E)(24), and R.S. 37:1007(B)(3) and (4), relative to boards and commissions;
8	to provide for the placement of the Louisiana Health Works Commission within the
9	Department of Education, under the jurisdiction of the Board of Regents; to provide
10	for the membership of the commission; to provide for the date of submission of the
11	commission's initial annual report; to rename the Nursing Supply and Demand
12	Commission as the Nursing Supply and Demand Council; to transfer such council
13	from the Department of Health and Hospitals to the Department of Education, under
14	the jurisdiction of the Board of Regents; to provide for membership and powers and
15	duties of the council, including repealing certain powers and duties; to provide for
16	the powers and duties of the Board of Regents as it applies to the commission and
17	the council; to delete provisions relative to the Allied Health Workforce Council; to
18	provide an effective date; and to provide for related matters.
19	Be it enacted by the Legislature of Louisiana:
20	Section 1. R.S. 17:2047(B) and 2048(C) are hereby amended and reenacted and Part
21	IV-B of Chapter 9 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S.
22	17:2048.51, is hereby enacted to read as follows:
23	§2047. Nurse training programs; student demand; documentation; report;
24	authorization to obtain criminal history record information
25	* * *

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1	B. Such records shall be submitted to the Board of Regents and the
2	postsecondary education management boards on a quarterly basis and shall also be
3	submitted to the Nursing Supply and Demand Commission Council on whatever
4	schedule they request.
5	* * *
6	§2048. Nurse training programs; establishment
7	* * *
8	C. Expansion of existing programs or establishment of additional programs
9	shall be sought with due regard for the efficient expenditure of state funds and after
10	consultation with the Nursing Supply and Demand Commission. Council.
11	* * *
12	PART IV-B. LOUISIANA HEALTH WORKS COMMISSION
13	§2048.51. Louisiana Health Works Commission; creation; membership;
14	compensation; staff and facilities; powers and duties; data collection
15	and reporting
16	R.S. 17:2048.51 is being redesignated from R.S. 23:1871
17	A. There is hereby created in the Louisiana Workforce Commission
18	Department of Education, under the jurisdiction of the Board of Regents, the
19	Louisiana Health Works Commission, hereafter referred to as the "commission."
20	B. The purpose of the commission is to serve as a collaborative working
21	group to integrate and coordinate resources relative to health care workforce
22	development within various state departments and key organizations.
23	C. The following shall serve as members of the Louisiana Health Works
24	Commission:
25	(1) The secretary of the Department of Labor or his designee.
26	(2) The secretary of the Department of Health and Hospitals or his designee.
27	(3) The secretary of the Department of Economic Development or his
28	<del>designee.</del>
29	(4) The secretary of the Department of Social Services or his designee.
30	(5) The president of the Louisiana State Nurses Association or his designee.

1	(6) The president of the Louisiana State Medical Society or his designee.
2	(7)(3) The president of the Louisiana Hospital Association or his designee.
3	(8)(4) The president executive director of the Louisiana Nursing Home
4	Association or his designee.
5	(9)(5) The chairman of the Senate Committee on Health and Welfare or his
6	designee and the chairman of the Senate Labor and Industrial Relations Committee
7	or his designee.
8	(10)(6) The chairman of the House Committee on Health and Welfare or his
9	designee and the chairman of the House Committee on Labor and Industrial
10	Relations or his designee.
11	(11)(7) A representative of the governor's office selected by the governor.
12	who shall serve at the pleasure of the governor.
13	(12)(8) The commissioner of higher education or his designee.
14	(13)(9) The chairman of the Nursing Supply and Demand Commission
15	<u>Council</u> or his designee.
16	(14)(10) The chairman of the Allied Health Workforce Council dean of the
17	School of Allied Health Professions at Louisiana State University Health
18	Sciences Center at Shreveport or his designee.
19	(15) The chairman of the Louisiana State Board of Medical Examiners or his
20	<del>designee.</del>
21	(16)(11) The chairman of the Louisiana State Board of Nursing or his
22	designee.
23	(17) A designee of the Louisiana Council of Administrators of Nursing
24	Education (LACANE).
25	(18) The president of the Louisiana Organization of Nurse Executives or his
26	<del>designee.</del>
27	(19) Two academic administrators to be designated by the Board of Regents,
28	one to represent the two-year institutions, one to represent the four-year institutions,
29	and one academic administrator from the disciplines of nursing or allied health to
30	represent the Southern University School of Nursing who shall be designated by the

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1	president of the university.
2	(20) The chairman of the Louisiana Workforce Commission or his designee.
3	(21) The superintendent of education or his designee.
4	(22)(12) The president of the Louisiana Community and Technical College
5	System or his designee.
6	(23) Two academicians designated by the president of the Louisiana State
7	University and Agricultural and Mechanical College.
8	(24)(13) The president of the Louisiana Association of Independent Colleges
9	and Universities or his designee.
10	(25) A representative of the AFL-CIO.
11	(26) A representative of the Employee Assistance Professionals Association.
12	(27) A representative of Louisiana State University Hospitals.
13	(28) A representative of the Louisiana Ambulance Association.
14	(29)(14) The chairman of the Medical Education Commission or his
15	designee, provided that the commission member provided for herein shall also be a
16	member of the Louisiana State Medical Society.
17	(15) The chairman of the Occupational Forecasting Conference or his
18	designee.
19	(16) The presiding officer of the Interagency Task Force on the Future
20	of Family Medicine or his designee.
21	(17) The chairman of the Louisiana State Board of Practical Nurse
22	Examiners or his designee.
23	D. Members shall serve without compensation.
24	E. The Louisiana Workforce Commission Board of Regents shall provide
25	the staff and facilities needed by the commission to accomplish its tasks.
26	F. Nominating bodies shall submit their nominees to the Louisiana
27	Workforce Commission not later than June 30, 2002. Members shall serve at the
28	pleasure of nominating groups, organizations, or agencies. Each group,
29	organization, and agency shall submit the names of members to the Board of

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1	G. There shall be an executive committee composed of the following:
2	(1) The commissioner of higher education or his designee for the
3	commission.
4	(2) The chairman of the Nursing Supply and Demand Commission Council
5	or his designee for the commission.
6	(3) The commission member representing the chairman of the Medical
7	Education Commission presiding officer of the Interagency Task Force on the
8	Future of Family Medicine or his designee for the commission.
9	(4) The chairman of the Allied Health Workforce Council or his designee for
10	the commission dean of the School of Allied Health Professions at Louisiana
11	State University Health Sciences Center at Shreveport or his designee for the
12	commission.
13	(5) The president of the Louisiana Hospital Association or his designee for
14	the commission.
15	(6) The executive director of the Louisiana Nursing Home Association
16	or his designee.
17	H. The executive committee shall:
18	(1) Elect the chairperson of the commission.
19	(2) Establish rules of procedure to be adopted in accordance with the
20	Administrative Procedure Act.
21	(3) Perform other tasks as the commission directs or the adopted rules of
22	procedure require.
23	I. The commission shall meet at least once each calendar quarter unless the
24	executive committee determines that there is no necessity for such a meeting.
25	J. The commission shall address the workforce issues in the health care
26	industry in Louisiana, support the education of future health care workers, and work
27	to improve the image of health care professions in Louisiana. The commission shall
28	periodically report to the Senate Committee on Health and Welfare and the House
29	Committee on Health and Welfare, the Senate Committee on Labor and Industrial
30	Relations, and the House Committee on Labor and Industrial Relations all

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1	accomplishments and recommendations of the commission including an annual
2	report to both committees. The commission shall submit its initial annual report to
3	such committees by February 1, 2003 first of each year.
4	K. The commission shall study and make recommendations on at least the
5	following workforce issues:
6	(1) Programs to recruit and retain health care professionals in the Louisiana
7	workforce.
8	(2) Models for predicting the supply and demand for health care workers in
9	the state through 2005 and beyond.
10	(3) Incentives for health care workers to practice in Louisiana's medically
11	underserved areas.
12	L. The commission shall study and make recommendations on at least the
13	following education issues:
14	(1) Increasing the capacity of existing education programs to maintain or
15	increase the supply of health care professionals in Louisiana.
16	(2) Incentive programs for faculty retention.
17	(3) Strategies to increase access of individuals to appropriate entry-level
18	educational programs.
19	(4) Recruitment and retention models for students in the health care field.
20	M. The commission shall study and make recommendations on at least the
21	following image issues:
22	(1) Promotional activities for health careers throughout the Louisiana K-12
23	school systems.
24	(2) Creative marketing strategies to improve the image of health care careers.
25	N. Within the commission there shall be an Allied Health Workforce
26	Council, which shall be comprised of a member of each of the following groups,
27	organizations or agencies, who shall serve at the pleasure of the appointing group,
28	organization or agency:
29	(1) Louisiana State Board of Physical Therapy Examiners.
30	(2) Louisiana State Board of Medical Examiners.

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1	(3) Louisiana Radiologic Technology Board of Examiners.
2	(4) Louisiana Physical Therapy Association.
3	(5) Louisiana State Board of Pharmacy.
4	(6) The Board of Regents.
5	(7) Louisiana State University Health Sciences Center.
6	(8) Louisiana Hospital Association.
7	(9) Louisiana Nursing Home Association.
8	(10) Louisiana Medical Association.
9	(11) Louisiana Pharmacists Association.
10	(12) Louisiana Association of Independent Colleges and Universities.
11	(13) Louisiana Dental Association.
12	(14) Louisiana Occupational Therapy Association.
13	(15) Louisiana Primary Care Association.
14	(16) Louisiana Speech-Language Hearing Association.
15	(17) Louisiana Osteopathic Association.
16	(18) Chiropractic Association of Louisiana.
17	(19) Louisiana State Board of Chiropractic Examiners.
18	(20) Louisiana Ambulance Association.
19	(21) Louisiana Counseling Association.
20	O.(1) The commission shall solicit, accept and consider any
21	recommendations forwarded by the Nursing Supply and Demand Commission (R.S.
22	37:1007), and the Medical Education Commission (R.S. 17:1519.8), and the Allied
23	Health Workforce Council. These commissions and the council shall recommend
24	specific and targeted strategies to the Louisiana Health Works Commission for
25	purposes of coordination among various state departments by the Louisiana Health
26	Works Commission.
27	(2) The Nursing Supply and Demand Commission, the Medical Education
28	Commission, and the Allied Health Workforce Council shall each make initial
29	reports to the commission no later than September 1, 2002.
30	P:N. Nothing herein shall dilute the powers of the Nursing Supply and

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Demand Commission as established by the legislature in R.S. 37:1007 or the Medical
Education Commission as established by the legislature in R.S. 17:1519. 12. Nothing
herein shall allow the Louisiana Health Works Commission the authority to negate
recommendations by the Nursing Supply and Demand Commission, the Medical
Education Commission or the Allied Health Workforce Council unless approved
jointly by the Senate and House health and welfare committees.

Q.O.(1) The governor's Office of the Workforce Commission Board of Regents, the Health Works Commission, the division of administration, or any contractor working on behalf of these entities shall be authorized to request and receive licensing data, education data, and employment data, including unemployment wage records and other related health workforce data produced by state agencies, including the departments of labor, economic development, education, and health and hospitals, obtained pursuant to the administration of this Chapter for any of the expressly stated following purposes:

- (a) Compiling statistics which will be used to measure and track the supply of health care professionals from health care training providers, both public and private, including secondary programs, post-secondary programs conducted at community and technical colleges, four-year institutions, graduate schools, proprietary schools, hospital-based programs, and other state-approved training providers.
- (b) Compiling employment statistics, which will be used to measure and track the supply and demand of health care professionals actually employed in the state of Louisiana as produced by the Louisiana Department of Labor.
- (c) Compiling statistics which will be used to measure and track the supply of licensed health care professionals as evidenced by licenses and renewed licenses granted by the health care professional boards of the state of Louisiana. Those boards affected shall include but not be limited to:
  - (i) Louisiana State Board of Chiropractic Examiners.
  - (ii) Louisiana State Board of Dentistry.
  - (iii) Louisiana State Board of Examiners of Dieticians/Nutritionists in

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1	<u>Dietetics and Nutrition</u> .
2	(iv) Louisiana State Board for of Hearing Aid Dealers.
3	(v) Louisiana State Board of Examiners for Licensed Professional Counselors
4	Board of Examiners.
5	(vi) Louisiana State Board of Medical Examiners and related health
6	professions under its jurisdiction.
7	(vii) Louisiana State Board of Nursing.
8	$(viii) Louisiana  \underline{State}  Board  of  Examiners  of  Nursing  Facility  Administrators.$
9	(ix) Louisiana State Board of Optometry Examiners.
10	(x) Louisiana State Board of Pharmacy.
11	(xi) Louisiana State Board of Physical Therapy Examiners.
12	(xii) Louisiana State Board of Practical Nurse Examiners.
13	(xiii) Louisiana State Board of Examiners of Psychologists.
14	(xiv) Louisiana State Board of Examiners of Radiologic Technologists
15	Radiologic Technology Board of Examiners.
16	(xv) Louisiana State Board of Certified Social Work Examiners.
17	(xvi) Louisiana State Board of Examiners of Speech Board of Examiners
18	for Speech-Language Pathology and Audiology.
19	(xvii) Louisiana State Board of Professional Vocational Rehabilitation
20	Counselors <b>Board of Examiners</b> .
21	(xviii) Louisiana State Board of Wholesale Drug Distributors.
22	(xix) Louisiana Department of Health and Hospitals and the health
23	professions under its jurisdiction.
24	(2)(a) All data shall be submitted in a standardized format agreed upon by the
25	governor's Office of the Workforce Commission Board of Regents, the Health
26	Works Commission, and representatives of the affected state boards and agencies.
27	The standardized format shall be developed by October 31, 2003.
28	(b) Data shall be submitted to the governor's Office of the Workforce
29	Commission on an annual basis with reporting dates and schedule to be determined
30	by the Office of the Workforce Commission in collaboration with entities described

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agraph (2)(a).	1
For the purpose of measuring, tracking, and projecting job growth,	2
nd demand of health care professionals, the governor's Office of the	3
Commission, working with the Health Works Commission, shall provide	4
health workforce report to related state agencies, education programs and	5
essional licensing boards outlined in this Subsection, health industry	6
ers, the Senate and House Committees on Education, Labor and Industrial	7
and Health and Welfare, and the office of the governor.	8
(3) Any individual data provided pursuant to this Subsection will shall be	9
al. No public employee, commission member, or contractor acting on	0
state agency or employee of such a contractor may:	1
Use any data provided pursuant to this Subsection for any purpose other	2
statistical, forecasting, and program purposes for which the data is	3
	4
Make public any of the data provided pursuant to this Subsection which	5
w the identity of any individual to be inferred by either direct or indirect	6
	7
Retain any personal data as provided in this Subsection that is received	8
ernor's Office of the Workforce Commission Board of Regents and the	9
orks Commission commission or any contractor acting on behalf of the	0
on. Any personal data must be destroyed within thirty days of completion	1
ided purpose as described in this Subsection.	2
(4) Any person who violates any provision of this Subsection shall be	3
ess than one thousand dollars nor more than twenty thousand dollars or	4
d for not less than thirty days nor more than six months, or both.	5
R.S. 36:259(E)(22) and (23) and 801.5 are hereby amended and reenacted	6

and 651(AA) is hereby enacted to read as follows:

§259. Transfer of agencies and functions to Department of Health and Hospitals

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E. The following agencies, as defined in R.S. 36:3, are transferred to and

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1	nerealter shall be within the Department of Health and Hospitals, as provided in R.S.
2	36:803:
3	* * *
4	(22) Nursing Supply and Demand Commission (R.S. 37:1007).
5	(23)(22) Allied Health Professionals Supply and Demand Commission (R.S.
6	37:3601).
7	(24)(23) The Addictive Disorder Regulatory Authority (R.S. 37:3389).
8	* * *
9	§651. Transfer of boards, commission, departments, and agencies to the Department
10	of Education; boards, commissions, and agencies within the
11	Department of Education
12	* * *
13	AA.(1) The Louisiana Health Works Commission (R.S. 17:2048.51) is
14	placed within the Department of Education and shall exercise and perform its
15	powers, duties, functions, and responsibilities in the manner provided for
16	agencies transferred in accordance with the provisions of R.S. 36:801.5.
17	(2) The Nursing Supply and Demand Council (R.S. 37:1007) is placed
18	within the Department of Education and shall exercise and perform its powers,
19	duties, functions, and responsibilities in the manner provided for agencies
20	transferred in accordance with the provisions of R.S. 36:801.5.
21	* * *
22	§801.5 Transfer; Advisory Commission on Proprietary Schools; Louisiana Health
23	Works Commission; Nursing Supply and Demand Council
24	<b>A.</b> The agency placed within the Department of Education by the provisions
25	of R.S. 36:651(L) shall exercise all powers, duties, functions, and responsibilities
26	provided or authorized for such agency by the constitution and laws, and particularly
27	the provisions of R.S. 17:3141.1 through 3141.19, and shall exercise all such powers,
28	duties, functions, and responsibilities in the manner and to the extent so provided or
29	authorized. The agency shall be under the jurisdiction of the Board of Regents, and
30	the Board of Regents shall have such powers, duties, functions, and responsibilities

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relative to the agency as otherwise provided by law. All personnel employed or assigned to administer and implement the powers, duties, functions, and responsibilities of the agency shall be employees of the Board of Regents. Except as otherwise provided by law, the Board of Regents shall perform and administer all functions of the agency which are in the nature of accounting and budget control, procurement and contract management, management and program analysis, data processing, personnel management, and grants management.

B. The agencies placed within the Department of Education by the provisions of R.S. 36:651(AA)(1) and (2) shall exercise all powers, duties, functions, and responsibilities provided or authorized for such agencies by the constitution and laws and shall exercise all such powers, duties, functions, and responsibilities in the manner and to the extent so provided or authorized. The agencies shall be under the jurisdiction of the Board of Regents, and the Board of Regents shall have such powers, duties, functions, and responsibilities relative to the agencies as otherwise provided by law. All personnel employed or assigned to administer and implement the powers, duties, functions, and responsibilities of the agencies shall be employees of the Board of Regents. Except as otherwise provided by law, the Board of Regents shall perform and administer all functions of the agencies which are in the nature of accounting and budget control, procurement and contract management, management and program analysis, data processing, personnel management, and grants management.

Section 3. R.S. 37:1005(B) and 1007(A) and the introductory paragraph of 1007(B), 1007(B)(2) and the introductory paragraph of 1007(C) are hereby amended and reenacted to read as follows:

§1005. Articulated curricula; duties of the nursing boards; cooperation with educational agencies; cooperation with the Nursing Supply and Demand Commission Council; report

29 \* \* \*

B. The Louisiana State Board of Nursing and the Louisiana **State** Board of

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1	Practical Nurse Examiners, nerealter referred to as the nursing boards, shall meet
2	together and with the various state education agencies, particularly including the
3	Board of Regents, the college and university management boards, the Nursing
4	Supply and Demand Commission Council, and the State Board of Elementary and
5	Secondary Education, and with the public and private hospitals, to develop and
6	implement nurse training curricula that articulates from one level of nursing to the
7	next.
8	* * *
9	§1007. Nursing Supply and Demand Commission Council; creation; membership;
10	vacancies; compensation; staff and facilities; powers and duties
11	A.(1) There is hereby created in the Department of Health and Hospitals
12	Education, under the jurisdiction of the Board of Regents, the Nursing Supply
13	and Demand Commission Council, hereafter referred to as the "commission",
14	hereafter in this Section referred to as the "council", as an advisory council to
15	the Louisiana Health Works Commission created pursuant to the provisions of
16	R.S. 17:2048.51.
17	(2)(a) The following groups, organizations, and agencies shall each appoint
18	one member of the commission council who shall serve at the pleasure of the
19	appointing group, organization, or agency:
20	(i) The Louisiana State Board of Practical Nurses Examiners.
21	(ii) The Louisiana State Board of Nursing.
22	(iii) The Louisiana State Medical Society.
23	(iv)(iii) The Louisiana Nursing Home Association.
24	(v)(iv) The Louisiana State Nurses Association.
25	(vi)(v) The Louisiana Hospital Association.
26	(vii)(vi) The Board of Regents.
27	(viii) The State Board of Elementary and Secondary Education.
28	(ix) The office of Charity Hospital at New Orleans.
29	(x)(vii) The office of public health.
30	(xi)(viii) The Louisiana Association of Independent Colleges and

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1	Universities.
2	(xii) The Louisiana State Medical Association for Physicians.
3	(xiii)(ix) The Louisiana Black Nurses Organization New Orleans, Louisiana.
4	(xiv)(x) The Louisiana Council of Administrators of Nursing Education.
5	(xv)(xi) The Louisiana Alliance of Nursing Organizations.
6	(xvi)(xii) The Louisiana Association of Nurse Anesthetists.
7	(xvii)(xiii) The Louisiana Organization of Nurse Executives.
8	(xviii)(xiv) The Louisiana Practical Nurses Association.
9	(xix)(xv) The Louisiana Association of Nurse Practitioners.
10	(xx)(xvi) Association of periOperative Registered Nurses.
11	(xxi)(xvii) The Louisiana School Nurses Organization.
12	(xviii) The Southern University School of Nursing.
13	(b) One consumer of nursing services shall be appointed by the governor,
14	subject to Senate confirmation. The president of the Louisiana Community and
15	Technical College System or his designee shall be a member of the council.
16	(c) Additional members of the commission council may be added at any
17	time upon a majority vote of the members named in Subparagraphs (a) and (b).
18	(3) Vacancies on the commission council shall be filled by the group,
19	organization, or agency whose appointee created the vacancy.
20	(4) Members shall serve without compensation.
21	(5) The commission council shall adopt rules of procedure and shall elect its
22	own chairperson who shall organize the commission council and its work, call
23	meetings, represent the commission council, and do such other tasks as the
24	commission council directs or its rules require.
25	(6) The <del>Department of Health and Hospitals</del> <b>Board of Regents</b> shall provide
26	whatever staff and facility the commission council needs to accomplish its tasks.
27	B. The commission council shall:
28	* * *
29	(2) Make annual reports to the education and health and welfare committees
30	of the Senate and the House of Representatives Louisiana Health Works

1 **Commission** on all issues required in this Subsection to be studied, particularly 2 including any changes in the nature of the supply and demand situation since the last 3 report. 4 C. The commission council may: 5 Section 4. R.S. 23:1871, R.S. 36:259(E)(24), and R.S. 37:1007(B)(3) and (4) are 6 7 hereby repealed. 8 Section 5. This Act shall become effective upon signature by the governor or, if not 9 signed by the governor, upon expiration of the time for bills to become law without signature 10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If 11 vetoed by the governor and subsequently approved by the legislature, this Act shall become 12 effective on the day following such approval. PRESIDENT OF THE SENATE SPEAKER OF THE HOUSE OF REPRESENTATIVES GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: